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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,605	07/30/2002	Ronald Scott Bunker	124626-1	6850
6147	7590	09/23/2004	EXAMINER	
GENERAL ELECTRIC COMPANY GLOBAL RESEARCH PATENT DOCKET RM. BLDG. K1-4A59 NISKAYUNA, NY 12309			ALEJANDRO, RAYMOND	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/064,605	BUNKER, RONALD SCOTT	
	Examiner Raymond Alejandro	Art Unit 1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 August 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-9 and 11-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/25/04 has been entered.

In response to the foregoing RCE and its related amendment, please note the following remarks and art rejections: the applicant has overcome the objection, refer to the abovementioned amendment for specific details on applicant's rebuttal arguments. However, the present claims are newly rejected over art as seen below and for the reasons of record:

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-9 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Margiott 2002/0086200.

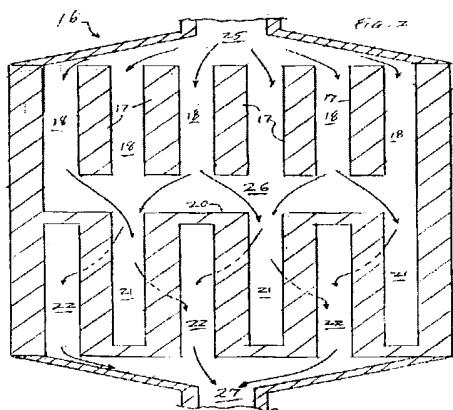
The present application is directed to an apparatus for fuel cell components wherein the disclosed inventive concept comprises the specific flow field plate structural arrangement. In

addition, other limitations include the fuel cell components; the plurality of concavities and their shape; the flowing fluid; the upper-bottom ribs disposing angle; and the fuel cell per se and the specific fuel cell.

With respect to claims 1 and 7:

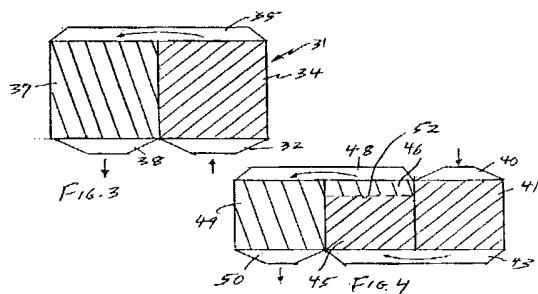
Margiott teaches a fuel cell with a reactant flow field plate comprising an inlet and an outlet; a plurality of flow-through flow field channels; a plurality of interdigitated flow field channels; and a flow transition for directing flow between said flow-through channels and said interdigitated channels, said channels and said transition extending between the inlet and the outlet (CLAIM 1).

Figure 2 below depict the flow field plate comprising a base plate; and first and second side plate structurally connected to the ends of the base plate. The base plate includes ribs 17 defining flow-through flow field channels 18, and a serpentine rib 20 that defines inlet channels 21 and outlet channels 22 (SECTION 0013). It is also disclosed that the hybrid flow channels may be implemented in a flow field which folded one or more times (SECTION 0006). *Thus, if the channels are folded, the resulting plate structure will have channels laying one over another.*



It is also disclosed that the hybrid flow channels may be implemented in a flow field which folded one or more times (SECTION 0006). Thus, if the channels are folded, the resulting plate structure will have channels laying one over another.

**Figures 3-4** below illustrate the flow field plate in a folded configuration in which the oxidant enters through an inlet manifold 32, passes through a portion 34 of the plate having channels, then is turned by a flow reversing manifold 35 so as to flow through a portion 37 of the plate 31 which also has channels (SECTION 0014). In particular, Figure 4 shows the transition between the portions 34 and 37 not at the manifold 35 but mid-way between the manifold 35 and either of the manifolds 32 or 38 (SECTION 0014).



depending upon other parameters. In FIG. 3, a fuel cell reactant flow field plate 31 is shown in a folded configuration in which the oxidant enters through an inlet manifold 32, passes through a portion 34 of the plate 31 which has flow-through reactant flow field channels, then is turned by a flow reversing manifold 35 so as to flow through a portion 37 of the plate 31 which has interdigititated reactant flow field channels, after which the reactant flows through an exit manifold 38 to exhaust. However, the transition between the portions 34 and 37 need not occur at the manifold 35, but may be mid-way between the manifold 35 and either of the manifolds 32, 38, as is illustrated in FIG. 4. Therein, the reactant flows through an inlet manifold 40, through a first portion 41 which comprises flow-through reactant flow field channels, through a reversing manifold 43 and a second portion 45 which has flow-through reactant flow field channels, and thence through a portion 46 which has interdigitated reactant flow field channels, through a reversing manifold 48 and a portion 49 which has interdigitated flow field channels, and thence through an exit manifold 50 to exhaust. The transition 52 between the flow-through channels and the interdigitated channels may be located anywhere between the manifolds to suit any utilization of the present invention.

Hence, Margiott's flow field plate comprises a plurality of upper ribs and a plurality of bottom ribs forming top channels and bottom channels in the flow field plate per se to allow a flow of fluid to alternate between the top channels and the bottom channels.

With respect to claims 2 and 9:

Margiott teaches the fuel cell components anode, the cathode and the electrolyte (SECTION 0002).

With respect to claims 3-4 and 10-12 (see also specific rejection for claims 4 and 11 below):

Margiott also discloses a plurality of ribs 17 that project from the flow field plate and form recesses or indentations on the plate surface (SECTION 0013/ FIGURE 2). *Therefore, the ribs themselves also act as the claimed concavities.*

With respect to claims 5 and 13:

Margiott additionally teaches the reactants being hydrogen or a hydrogen-rich fuel and an oxygen or air oxidant (SECTION 0002).

With respect to claims 6 and 14:

*Figures 3-4 above illustrate flow fluid plates in folded configurations wherein the flow reversing manifold or the transition between the plate portions and the flow-through flow field channels and the interdigitated flow field channels are disposed at the angle of substantially 90 degrees to provide the turns or reversing manifolds.*

As to claim 8:

Margiott teaches alkaline, acid or solid polymer electrolyte fuel cells (SECTION 0002).

Thus, this prior art anticipates the present claims.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 11 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margiott 2002/0086200 in view of Wu et al 2002/0026999.

Margiott is applied, argued and incorporated herein for the reasons above. However, Margiott does not expressly disclose the specific concavities and their shape.

With respect to claims 4, 11 and 15-18:

Wu et al discloses a heat exchanger plate (TITLE) comprising a plurality of spaced-apart dimples 162 and 164 formed in the plate planar central portion 70. The dimples 162, 164 are located to be in registration in juxtaposed first and second plates, and are thus joined together to strengthen the plate pairs; the dimples also function to create flow augmentation between the plates (SECTION 0050/ FIGURES 15-16). Figures 15-16 illustrate the concavities having a substantial spherical shape (circular shape and depth). *The hydrodynamic interactions and heat transfer characteristic are inherent to the specific concavity structural shape.*

In view of the above, it would have been obvious to one skilled in the art at the time the invention was made to use the specific plurality of concavities of Wu et al in the cooling device of Margiott because Wu et al disclose that the specified dimples are joined together to strengthen the plate pairs; and to create flow augmentation between the plates. *Thus, the flow augmentation per se enhance the heat transfer properties of the plate. It is also noted that the two references*

*are pertinent to each other as they both address the same problem of providing suitable heat transfer plates for fluid flow purposes.*

Moreover, with respect to the specific concavity shape or structural embodiment, it is noted changes in shape is a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed concavities is significant. In re Dailey, 149 USPQ 47. It is also noted that aesthetic design changes having no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. In re Seid , 73 USPQ 431.**(See MPEP 2144.04 [R-1] Legal Precedent as Source of Supporting Rationale)**

6. Claims 4, 11 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margiott 2002/0086200 in view of Thonon et al 5806584.

Margiott is applied, argued and incorporated herein for the reasons above. However, Margiott does not expressly disclose the specific concavities and their shape.

With respect to claims 4, 11 and 15-18:

Thonon et al disclose a heat exchanger plate (TITLE) provided with hollows 14 in order to reduce pressure drops (ABSTRACT/ COL 2, lines 61-67) wherein the hollows 14 are concave reliefs in the channel (COL 3, lines 1-5). Thonon et al disclose that the specified hollows provided on the plate assist in reducing pressure drops and disturb the flow of fluids to increase heat transfers through the plates (Abstract/ COL 1, lines 5-12). As evident from Figure 3, the hollow 14 has a semicircular shape and a depth, thus, it can be considered to have a

hemispherical shape. *The hydrodynamic interactions and heat transfer characteristic are inherent to the specific hollow (concavity) structural shape.*

In view of the above, it would have been obvious to one skilled in the art at the time the invention was made to use the specific plurality of concavities of Thonon et al in the cooling device of Margiott because Thonon et al disclose that the specified hollows provided on the plate assist in reducing pressure drops and disturb the flow of fluids to increase heat transfers through the plates. *Hence, the disturbance of fluid flow itself enhances the heat transfer properties of the plate. It is also noted that the two references are pertinent to each other as they both address the same problem of providing suitable heat transfer plates for fluid flow purposes.*

Moreover, with respect to the specific concavity shape or structural embodiment, it is noted changes in shape is a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed concavities is significant. In re Dailey, 149 USPQ 47. It is also noted that aesthetic design changes having no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. In re Seid , 73 USPQ 431. (See MPEP 2144.04 [R-1] Legal

**Precedent as Source of Supporting Rationale)**

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-2, 4-9 and 11-18 have been considered but are moot in view of the new ground(s) of rejection.
8. Although not necessary due to the new grounds of rejection, the examiner likes to briefly address the following applicant's arguments:

a) with respect to the assertion that the prior art of record does not disclose the ribs being in contact or forming a top and bottom channel between themselves and are not disposed to allow a flow of fluid therethrough and disposed to allow a portion of said fluid to alternate between said top channel and said bottom channel, the examiner simply contends that given that the prior art discloses that hybrid flow channels may be implemented in a flow field which folded one or more times (SECTION 0006); thus, if the channels are folded, the resulting plate structure will have channels laying one over another; and based on the illustrated embodiment of Figures 3-4, it is positively contended that the prior art's flow field plate comprises a plurality of upper ribs and a plurality of bottom ribs forming top channels and bottom channels in the flow field plate per se to allow a flow of fluid to alternate between the top channels and the bottom channels.

b) in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*the top channel disposed over the bottom channel wherein the fluid is introduced in the top and the bottom channel simultaneously*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Alejandro whose telephone number is (571) 272-1282. The examiner can normally be reached on Monday-Thursday (8:00 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raymond Alejandro  
Examiner  
Art Unit 1745

